

### **REMARKS**

This is intended as a full and complete response to the Office Action dated June 22, 2009, having a shortened statutory period for response set to expire on September 22, 2009. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-17, 20-22 and 34-37 are rejected by the Examiner. Claims 4, 18, 19, 21, and 23-37 have been cancelled by Applicant. Claims 1-3, 5-17, 20, and 22 remain pending in the application and are shown above. Reconsideration of the pending claims is requested for reasons presented below.

#### ***Claims Rejections – 35 U.S.C. § 102***

Claims 1-5, 8-11, 13-14, 20-22, 26 and 28-29 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Nakayama et al.* (WO 02/080135, reference to US publication 2004/0109987). Applicant has canceled claims 4, 21, 26, 28, and 29. Applicant respectfully traverses the rejection with respect to the remainder of the claims.

The Examiner asserts that *Nakayama et al.* teaches a process for manufacturing an article comprising: (a) using a computer system to generate data corresponding to a three-dimensional image ([0073]; Fig. 3-4), (b) using the generated data to control an apparatus to form at least a portion of a mould for defining a contoured surface of the substrate (Fig. 3-4), using said mould to form at least the contoured surface of the substrate (Fig. 3-4; claim 6-10), and (d) providing the overlay over said at least a portion of the contoured surface (Fig. 3-4; claim 6-10). Applicant respectfully submits that the Examiner errs in this assertion.

*Nakayama et al.* teaches a procedure for producing an article using a production management computer ([0072]; Fig. 4). *Nakayama et al.* teaches that three-dimensional geometric data including image information is input into the production management computer. The production management computer then converts the image information

into height information. Next, a base model is produced based on the height information ([0073]; Fig. 4). Finally, a translucent film is applied to the surface of the base model, allowed to solidify, and then finished to a smooth surface ([0074], Fig. 4). *Nakayama et al.* does not disclose that the base model could be used as a mould for making an object that is later coated with an overlay. Thus, *Nakayama et al.* fails to teach using computer generated data to control an apparatus to form at least a portion of a mould for defining a contoured surface of a substrate and using the mould to form at least the contoured surface of the substrate as asserted by the Examiner.

Therefore, *Nakayama et al.* fails to teach, show, or suggest a process for manufacturing an article comprising a substrate and an overlay that is at least one of translucent, semi-transparent or transparent, the substrate having a contoured surface and the overlay being provided over at least a portion of said contoured surface, the process comprising (a) using a computer system to generate data corresponding to a three-dimensional image, (b) using the generated data to control an apparatus to form at least a portion of a mould for defining the contoured surface of the substrate, (c) using said mould to form at least the contoured surface of the substrate, and (d) providing the overlay over said at least a portion of the contoured surface as recited in claim 1 and claims 2-3 and 5-17 dependent thereon. Applicant respectfully requests withdrawal of the rejection.

Additionally, *Nakayama et al.* fails to teach, show, or suggest a process for manufacturing an article comprising a substrate and a member that is at least one of translucent, semi-transparent or transparent, the member having a contoured surface and the substrate being provided over at least a portion of said contoured surface, the process comprising (a) using a computer system to generate data corresponding to a three-dimensional image, (b) using the generated data to control an apparatus to form at least a portion of a mould for defining the contoured surface of the member, (c) using said mould to form at least the contoured surface of the member, and (d) providing the substrate over said at least a portion of the contoured surface as recited in claim 20 and claim 22 dependent thereon. Applicant respectfully requests withdrawal of the rejection.

***Claims Rejections – 35 U.S.C. § 103***

Claims 6-7 and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Nakayama et al.* as applied to claims 1 and 26 above, further in view of Official Notice by the Examiner. Applicant has canceled claim 27. Applicant respectfully traverses the rejection with respect to claims 6 and 7.

The deficiencies of *Nakayama et al.* are discussed above with respect to base claim 1. The Examiner's Official Notice with respect to claims 6 and 7 does not resolve these deficiencies. Applicant respectfully requests withdrawal of the rejection.

Claims 12 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Nakayama et al.* as applied to claim 1 above, and further in view of *Sorm* (WO 00/56558). Applicant has canceled claim 30. Applicant respectfully traverses the rejection with respect to claim 12.

The deficiencies of *Nakayama et al.* are discussed above with respect to base claim 1. *Sorm* teaches a ceramic tile with a décor caused by means of light effects obtained by passage of light through a transparent material with a system of arranged formations. *Sorm* fails to cure the deficiencies of *Nakayama et al.* with respect to base claim 1. Applicant respectfully requests withdrawal of the rejection.

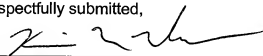
Claims 15-17 and 31-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Nakayama et al.* as applied to claim 1 above, and further in view of *Dufort* (EP 1 318 003). Applicant has canceled claims 31-33. Applicant respectfully traverses the rejection with respect to claims 15-17.

The deficiencies of *Nakayama et al.* are discussed above with respect to base claim 1. *Dufort* teaches a method of forming a lithophane-like article that may be formed of confectionery product or soap by determining the intensity of different points of an original

image and forming the article with a thickness at each point of the article related to the intensity of the corresponding point of the original image. *Dufort* fails to cure the deficiencies of *Nakayama et al.* with respect to base claim 1. Applicant respectfully requests withdrawal of the rejection.

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed. Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,

By 

Keith M. Tackett  
Registration No.: 32,008  
PATTERSON & SHERIDAN, LLP  
3040 Post Oak Blvd, Suite 1500  
Houston, Texas 77056  
Telephone: (713) 623-4844  
Facsimile: (713) 623-4846  
Attorney For Applicant